

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DONALD PRATOLA,	:	
	:	Civ. No. 14-6405 (RBK)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
NEW JERSEY STATE PAROLE BOARD, et al.,	:	
	:	
Respondents.	:	
	:	

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 3, 2014, this Court administratively terminated this matter as petitioner had not filed his § 2254 petition on the proper form. Subsequently, petitioner submitted an amended § 2254 petition on the proper form that names C. Ray Hughes as the sole respondent. Accordingly, the Clerk will be ordered to reopen this case. Upon screening the amended petition, the Court has determined that dismissal of the amended petition without an answer and the record is not warranted, *see* Rule 4 of Rules Governing 28 U.S.C. § 2254 Cases.

Accordingly, IT IS on this 3rd day of December, 2014,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that the Clerk shall serve a copy of the amended habeas petition (Dkt. No. 7.) and this Order on respondent Hughes by certified mail, return receipt requested, with all costs of service advanced by the United States, and it is further

ORDERED that respondent Hughes shall file a full and complete answer to the amended habeas petition within forty-five (45) days of the entry of this Order; and it is further

ORDERED that respondent Hughes' answer shall address the allegations and grounds of the amended habeas petition, and shall adhere to the requirements of Rule 5 of the Rules Governing 28 U.S.C. § 2254 Cases; and it is further

ORDERED that the answer shall indicate what transcripts (of pretrial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed; and it is further

ORDERED that respondent Hughes shall attach to the answer parts of the transcript that he considers relevant and, if a transcript cannot be obtained, respondent Hughes may submit a narrative summary of the evidence, *see* Rule 5(c) of the Rules Governing 28 U.S.C. § 2254 Cases; and it is further

ORDERED that respondent Hughes shall file with the answer a copy of: (1) any brief that petitioner submitted in an appellate court contesting the conviction or sentence, or contesting an adverse judgment or order in a post-conviction proceeding; (2) any brief that the prosecution submitted in an appellate court relating to the conviction or sentence; and (3) the opinions and dispositive orders relating to the conviction or the sentence, *see* Rule 5(d) of the Rules Governing 28 U.S.C. § 2254 Cases; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that respondent Hughes shall file the answer, the index of exhibits, and the exhibits electronically; and it is further

ORDERED that respondent Hughes shall serve the answer, the index of exhibits, and the exhibits upon petitioner, *see* Rule 5 of the Rules Governing 28 U.S.C. § 2254 Cases; FED. R. Civ. P. 10(c); *Sixta v. Thaler*, 615 F.3d 569, 569 (5th Cir. 2010); *Thompson v. Greene*, 427 F.3d

263, 269 (4th Cir. 2005); *Pindale v. Nunn*, 248 F. Supp. 2d 361, 367 (D.N.J. 2003); and it is further

ORDERED that petitioner may file and serve a reply to the answer within forty-five (45) days of petitioner's receipt of same, *see* Rule 5(e) of the Rules Governing 28 U.S.C. § 2254 Cases; and it is further

ORDERED that within seven (7) days of petitioner's release, be it on parole or otherwise, respondent Hughes shall electronically file a written notice of same with the Clerk; and it is finally

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge